



Attachment B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

Applicant : Tomlinson G. Rauscher

Docket No. : DIGI9

Serial No. : 09/903,835

Examiner : Lohn, Joshua A

Filed : 07/12/2001

Group Art Unit : 2114

For : RAID SYSTEM WITH MULTIPLE CONTROLLERS AND PROOF
AGAINST ANY SINGLE POINT OF FAILURE

**Statement Under MPEP § 706.02(I)(2)(II) To Overcome Rejection Under
35 U.S.C. § 103(a).**

The Honorable Commissioner of Patents

Sir:

Application Ser. No. 09/903,835 was filed after November 29, 1999.

The subject matter of Patent No. 6,401,170 and of the invention claimed in Application Ser. No. 09/903,835, at the time the invention of Application Ser. No. 09/903,835 was made, were owned by Digi-Data Corporation or were subject to an obligation of assignment to Digi-Data Corporation.

An assignment of Application Ser. No. 09/903,835 to Digi-Data Corporation is recorded in the U.S. Patent and Trademark Office in accordance with 37 CFR Part 3

which conveys the entire rights in the application to Digi-Data Corporation at Reel/Frame 012227/0434.

An assignment of Patent No. 6,401,170 to Digi-Data Corporation is recorded in the U.S. Patent and Trademark Office in accordance with 37 CFR Part 3 which conveys the entire rights in the application to Digi-Data Corporation at Reel/Frame 010187/0732.

The undersigned is the attorney of record for application Ser. No. 09/903,835 and for U.S. Pat. No. 6,401,170 which was issued on application Ser. No. 09/376,324.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon; Further declarant saith not.

Executed this 11 day of Nov, 2004 at Columbia, MD


Seal.
William S. Ramsey